IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

ARBITRATION PETITION NO. 35 OF 2005

M/s. Bhawani Builders .. Petitioners

Vs.

Government of Maharashtra .. Respondents

Mr. Udaya Sankar Samudrala for Petitioners.
Mr. K.K. Tated, AGP for Respondents.

CORAM : B. H. MARLAPALLE,J.

Date : February 17, 2006.

P.C.:

1. Heard Mr. Samudrala, the learned counsel for the petitioners and Mr. Tated, the learned AGP.

2. Arbitration Petition No. 13/04 was decided by this court by directing the Standing Committee to issue a proper notice to the applicants and the respondents intimating the next date of hearing before it and to give directions promptly. In this petition it is alleged that inspite of the reminders dated 3/3/2005 and 25/4/2005 to the concerned members of the Standing Committee, nothing further has progressed and, therefore, the petitioners pray for appointment of sole Arbitrator under Section 11 of the Arbitration

and Conciliation Act, 1996.

3. The Executive Engineer, Alibag Public Works Division has filed an affidavit in reply and stated that pursuant to the order passed by this court on 19/3/2004, the petitioner appeared before the Superintending Engineer on 19/7/2005 and requested for some time for producing papers after consulting his legal adviser. The Superintending Engineer vide his letter dated 22/7/2005 informed to the Standing Committee accordingly and the petitioners by their letter dated 21/8/2005 requested for copies of documents for putting up their claims before the Standing Committee. In short, it has been pointed out that the petitioner’s case is very much pending before the Standing Committee and the proceedings could not progress further for the reasons attributable to the petitioners alone.

4. It is, therefore, clear that no further directions are required to be issued in this fresh round and both the parties will note that the order passed by this court on 19/3/2004 is a judicial order and non implementation of the said order would certainly be contemptuous. The petitioners shall submit all the papers to the Superintending Engineer,

if they have not done so earlier, within a period of two weeks from today and the Superintending Engineer shall thereafter take appropriate steps to comply with the order passed by this court and as referred to hereinabove.

5. The petition is disposed off accordingly.

(B.H. Marlapalle, J.)